

ASSEMBLY BILL

No. 1455

**Introduced by Assembly Member Negrete McLeod
(Coauthor: Assembly Member Correa)**

February 21, 2003

An act to amend Section 417.2 of the Penal Code, relating to imitation firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as introduced, Negrete McLeod. Imitation firearms.

Under existing law, any person who, except as specified, sells, manufactures, ships, transports, distributes, or receives an imitation firearm, as defined, is liable for a civil fine of not more than \$10,000 for each violation. Existing law also describes certain devices, among which is an instrument that expels a metallic projectile, as specified, that are not within the definition of "imitation firearm."

This bill would provide that instruments that expel a plastic projectile, as specified, would not be within the definition of "imitation firearm."

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 417.2 of the Penal Code is amended to
- 2 read:
- 3 417.2. (a) Any person who, for commercial purposes,
- 4 purchases, sells, manufactures, ships, transports, distributes, or
- 5 receives, by mail order or in any other manner, an imitation firearm

1 except as permitted by this section shall be liable for a civil fine in
2 an action brought by the city attorney of the city or the district
3 attorney of the county of not more than ten thousand dollars
4 (\$10,000) for each violation.

5 (b) The manufacture, purchase, sale, shipping, transport,
6 distribution, or receipt, by mail or in any other manner, of imitation
7 firearms is permitted if the device is manufactured, purchased,
8 sold, shipped, transported, distributed, or received for any of the
9 following purposes:

10 (1) Solely for export in interstate or foreign commerce.

11 (2) Solely for lawful use in theatrical productions, including
12 motion picture, television, and stage productions.

13 (3) For use in a certified or regulated athletic event or
14 competition.

15 (4) For use in military or civil defense activities.

16 (5) For public displays authorized by public or private schools.

17 (c) As used in this section, “imitation firearm” means a replica
18 of a firearm that is so substantially similar in physical properties
19 to an existing firearm as to lead a reasonable person to conclude
20 that the replica is a firearm.

21 (d) As used in this section, “imitation firearm” does not
22 include any of the following:

23 (1) A nonfiring collector’s replica of an antique firearm that
24 was designed prior to 1898, is historically significant, and is
25 offered for sale in conjunction with a wall plaque or presentation
26 case.

27 (2) A nonfiring collector’s replica of a firearm that was
28 designed after 1898, is historically significant, was issued as a
29 commemorative by a nonprofit organization, and is offered for
30 sale in conjunction with a wall plaque or presentation case.

31 (3) A device, as defined in subdivision (g) of Section 12001.

32 (4) An imitation firearm where the coloration of the entire
33 exterior surface of the device is bright orange or bright green,
34 either singly or in combination.

35 (5) An instrument that expels a metallic projectile, such as a BB
36 or pellet, *or a plastic projectile not exceeding 6mm caliber, such*
37 *as a BB or pellet*, through the force of air pressure, ~~CO₂~~ gas
38 pressure, or spring action, or a spot marker gun.

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